

Application No. 10/666,934
Group Art Unit: 1734
Filing Date: January 30, 2002
Examiner: Cheryl N. Hawkins
Title: Bob's Border Helper
Response to Office Action 10/1/2004

REMARKS

1. Exhibit 2 contains copies of the formal drawings Figures 1-4, (four sheets), previously submitted on 12/17/2003.
2. A substitute amended specification has been submitted. Even though Applicants disagree with the requirement for restriction, Applicants indicate the provisional election of the invention claimed by Claims 1-9, and the changes to the specification reflect this provisional election. (37 C.F.R. 1.143.)
3. Claims 1-9 were provisionally elected, and Claims 1, 2 and 7 are amended to reflect this provisional election, so that the wallpaper border is pre-wetted, and not submerged in water as part of the invention, even though Applicants disagree with the requirement for restriction. (37 C.F.R. 1.143)
4. Claims 10-18 were cancelled to reflect this was not the invention that was provisionally elected by Applicants, even though Applicants disagree with the requirements for restriction. (37 C.F.R. 1.143).
5. The Title did not need to be amended. Pursuant to Commissioner's Decision granting the Petition, this is resubmitted without changes.
6. The Abstract did not need to be amended. Pursuant to the Commissioner's Decision which granted the Petition, this is resubmitted without changes.
7. Clean copies of the specification and Claims are attached as Exhibit 1.

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**Reasons for Reconsideration and Withdrawal or Modification of The Requirement
for Restriction.**

8. The Applicants' invention is for the device and the method of the device. The device and its method, as an integral part of the invention, is submersion in water PRIOR TO the wallpaper border's application to the receiving surface.

9. The structure of the device has slots, and mesh, which slots and mesh structure assist in the water entering the cylindrical body of the device and wetting the wallpaper border prior to application to the receiving surface. The device's structure also has a cap, which cap allows for the wallpaper border to be kept inside the device while the device is submerged in water in order to be wetted before the wallpaper border is applied to the receiving surface.

10. It would not be feasible to wet the wallpaper border prior to inserting it into the device. Since once the wallpaper border becomes wet, the strength of the wallpaper border's material degrades, would tear, become stuck together, so that it would not be feasible for the wallpaper border to be pulled through the device and be applied to the receiving surface. The device would not be successfully employed if the paper was pre-wetted and then placed into the device.

11. Therefore, submerging the device with dry wallpaper border into water, in order to wet the wallpaper, release the glue, and allow the wallpaper border material to become

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pliable without degradation, in an integral part of the invention., as claimed by Claims 1-9, as well as the method in Claims 10-18.

12. The device and method of device are not distinct inventions, and do not require restriction. As explained above in paragraphs 9-12, the process can not be practiced by another materially different apparatus or by hand, or the apparatus as claimed can not be used to practice another materially different process (MPEP § 806.05(e)), since the invention is unique, and the placement of pre-wetted paper into the device, without submersion would be impossible since the paper would degrade beyond that of a quality to be applied to the receiving surface. .

13. The present invention is unique, since there are not prior art that have this type of device and method, which allows for application of wallpaper borders to receiving surfaces without the aid of another person, or without having to place the applicator on another surface than the receiving surface.

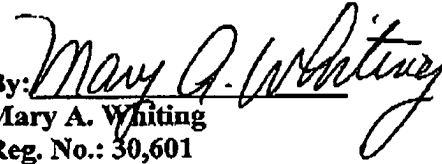
14. The invention is a fully integrated device, that allows the user to take dry wallpaper borders, and without having to resort to other devices and other methods of wetting the paper, wet the wallpaper border and apply the wallpaper border by use of one integrated device and unique methodology.

15. A clean copy of the substitute specification and amended Claims are attached hereto as Exhibit I.

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WHEREFORE, Applicant requests reconsideration and further examination, and that a timely Notice of Allowance be issued in this case.

Respectfully Submitted,
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Encs: Amendment with Version With Markings to Show Changes Made and Substitute Specification and Amended Claims (pages 1-29), with Exhibit 1 (Clean Copy) (pages 30 - 47 pages)
Exhibit 2 cover sheet (1 page) and Copies of Formal Drawings (4 sheets) (Exhibit 2)
Transmittal Sheet (1 page)
Certificate of Fascimile (1 Page)
Fax Cover Page (1 Page)